

R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

SUPPORT FOR CLAIM AMENDMENTS

Support for amendments to the claims can be found in paragraphs [0016], [0018], [0021], [0035], [0041], [0042], [0046], [0069], and [0070]. No new matter has been added.

CLAIM REJECTIONS UNDER 35 U.S.C. §112

The rejection of claims 1-5, 7, 8, 10-23, 25, 26, and 28-49 under 35 U.S.C. §112, second paragraph, has been obviated in part by amendment and is respectfully traversed in part and should be withdrawn.

The limitation relating to wireless communication has been removed from the independent claims and moved to new dependent claim 50. New dependent claim 50 provides the further limitation of the programmable microprocessor-based interactive unit wirelessly communicating with the server. Support for this limitation may be found in paragraph [0070] of the specification as filed. Paragraph [0070] of the specification as filed provides:

[t]he invention is capable of transmitting information to a remote location (e.g., clearinghouse 54 and or a remotely located health care professional) by means other than conventional telephone lines. For example, a modem (52 in FIGURES 1 and 11) that is configured for use with a cellular telephone system can be employed to transmit

the signals provided by the healthcare monitoring system to a remote location via modulated RF transmission.

Both cellular telephone transmission and RF transmission are forms of wireless communication. Therefore, the specification as filed contains support for the limitation of the programmable microprocessor-based interactive unit wirelessly communicating with the server as provided in new dependent claim 50. As a result, the rejection of claims 1-5, 7, 8, 10-23, 25, 26, and 28-49 is respectfully traversed and should be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The rejection of claims 1, 7, 8, 11-13, 17, 19, 25-26, 29-31, 35 and 37-49 under 35 U.S.C. §103(a) as being unpatentable over Chaco (U.S. Patent No. 5,465,082) has been obviated by amendment and should be withdrawn.

The rejection of claims 2-5, 10, 14-16, 18, 20-23, 28, 32-34, and 36 under 35 U.S.C. §103(a) as being unpatentable over Chaco in view of Kretch et al. (U.S. Patent No. 5,233,520) has been obviated by amendment and should be withdrawn.

Chaco teaches an apparatus for automating routine communication in a facility (title). Kretsch teaches a method and system for measurement of intake of foods, nutrients and other components in the diet (title).

In contrast, claim 1 of the presently claimed invention provides a health monitoring system, comprising a server, a

monitoring device, a programmable microprocessor-based interactive unit and a signal interface. The server may be configured to receive health-related data. The monitoring device (a) for monitoring a condition indicative of a physical well-being of a person and for producing the health-related data comprising digitally encoded health signals representative of the monitored condition, (b) being located near the person and (c) being remotely located from the server. The programmable microprocessor-based interactive unit may be (a) separate from the monitoring device, (b) located near the person, and (c) located remotely from the server. The programmable microprocessor-based interactive unit may include a video display configured to display the health-related data to the person being monitored. The programmable microprocessor-based interactive unit may also be for processing the health-related data displayed. The programmable microprocessor-based interactive unit may also include a memory. The memory may be tangibly embodying therein a program of instructions executable by the programmable microprocessor-based interactive unit. The program of instructions may include instructions for displaying the health-related data on the video display to the person in an interactive manner and causing communication of the health-related data to the server. The video display may be configured to display graphs of the health-related data and the server may be configured to (i) produce analysis data

from the health-related data, (ii) produce standardized reports comprising the analysis data, and (iii) transmit the reports to a health care professional associated with the person. The signal interface may be connectable in signal communication with the programmable microprocessor-based interactive unit and the monitoring device for communication of the digitally encoded health signals supplied by the monitoring device to the programmable microprocessor-based interactive unit. Claim 19 includes similar limitations. Chaco does not teach or suggest, alone or in combination, each of the claimed limitations.

In particular, claim 1 provides the limitation that the video display is configured to display the health-related data to the person being monitored. Chaco is silent concerning the video display being configured to display health-related data to the person being monitored, as presently claimed. At best, Chaco teaches displaying information to a health care professional. Chaco does not teach or suggest health-related data being displayed to the person being monitored, as presently claimed. Therefore, Chaco does not teach or suggest each of the limitations of claim 1. Claim 19 contains similar limitations. As a result, claims 1 and 19 are fully patentable and the rejection should be withdrawn.

Claim 1 also provides the limitation that the video display is configured to display graphs of the health-related data. Chaco is silent concerning the display of graphs of health-related

data, as presently claimed. At best, Chaco appears to teach the display of patient data such as medication and/or dietary information. Chaco does not teach or suggest displaying graphs of health-related information, as presently claimed. Therefore, Chaco does not teach or suggest each of the limitations of claim 1. Claim 19 contains similar limitations. As a result, claims 1 and 19 are fully patentable and the rejection should be withdrawn.

Claim 1 also provides that the server produces analysis data from the health-related data, produces standardized reports comprising the analysis data, and transmits the reports to a health care professional associated with the person. Chaco is silent concerning producing analysis data from health-related data, as presently claimed. Chaco is also silent concerning producing standardized reports comprising the analysis data, as presently claimed. Chaco is also silent concerning the reports to a health care professional associated with the person, as presently claimed. At best, Chaco appears to describe information being forwarded to a database that may be accessed by nurses and doctors in a hospital. Chaco does not teach or suggest a server producing analysis data from health-related data, producing standardized reports comprising the analysis data, and transferring the reports to a health care professional associated with the person, as presently claimed. Therefore, Chaco does not teach or suggest each of the limitations of claim 1. Claim 19 contains similar

limitations. As a result, claims 1 and 19 are fully patentable and the rejection should be withdrawn.

Claims 2-18 and 20-49 depend, directly or indirectly, from either claim 1 or claim 19 which are believed to be allowable. As such, the presently claimed invention is fully patentable over the cited references and the rejection should be withdrawn.

Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicant's representative at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit Account No. 50-0541.

Respectfully submitted,

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